

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDEEP SINGH DHILLON, *et al.*,
Plaintiffs,
v.
WILLIAM EDWARDS, *et al.*,
Defendants.

CASE NO. 1:23-CV-00416-ADA-CDB
ORDER STRIKING AMENDMENT TO
COMPLAINT NAMING DOE 1 AS DARREN
JOHN BOGIE
(Doc. 27)

Plaintiffs Randeep Singh Dhillon, Pinder Singh, Gurpreet Singh, and Balwinder Singh filed a complaint against Defendants William Edwards and Forrest Miller (“Defendants”) on March 20, 2023. (Doc. 1). On May 2, 2023, Defendant Miller filed a motion to dismiss for lack of jurisdiction. (Doc. 11). On July 4, 2023, Plaintiffs filed a purported “Amendment to Complaint” naming Doe 1 as Darren John Bogie. (Doc. 27).

“Federal Rule of Civil Procedure 15(a) provides that a party may amend once ‘as a matter of course’ within ... twenty-one days after service of either a responsive pleading or a motion under Rule 12(b), (e), or (f), whichever is earlier.” *Vanguard Outdoor, LLC v. City of Los Angeles*, 648 F.3d 737, 748 (9th Cir. 2011) (quoting Fed. R. Civ. P. 15(a)(1)). “In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” *Id.* (quoting Fed. R. Civ. P. 15(a)(2)).

1 Here, one of the Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) more
2 than 21 days ago. (Doc. 11) (reflecting that motion to dismiss was filed 63 days prior to Plaintiff's
3 purported amendment to complaint). Accordingly, Plaintiffs time to amend their complaint as a matter
4 of course has passed. Pursuant to Rule 15(a)(2), Plaintiffs may seek to amend only through Defendants'
5 written consent or by motion to the Court for leave to amend. Because Plaintiffs have done neither, the
6 Court will strike Plaintiffs' filing.

7 Accordingly, it is HEREBY ORDERED:

8 (1) Plaintiffs amendment to complaint replacing Doe 1 with Darren John Bogie (Doc. 27) is
9 hereby STRICKEN.

10 (2) The Clerk of Court is directed to strike the filing and update the docket accordingly.

11
12 Should Plaintiffs seek by motion leave to amend their complaint pursuant to Fed. R. Civ. P.
13 15(a)(2), they are reminded that any amended complaint supersedes the original complaint. *Lacey v.*
14 *Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). Any amended complaint must be "complete in itself
15 without reference to the prior or superseded pleading." E.D. Cal. Local Rule 220.

16 IT IS SO ORDERED.

17 Dated: July 5, 2023



UNITED STATES MAGISTRATE JUDGE